

DRAFT

ORDINANCE _____

AN ORDINANCE amending Seattle Municipal Code Section 12A.06.115 to provide protections for homeless persons from malicious harassment

WHEREAS...; and [to be added]

WHEREAS, [to be added]...; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Section 12A.06.115 is amended as follows:

SMC 12A.06.115 Malicious harassment.

A. A person is guilty of malicious harassment if he or she maliciously and intentionally commits one (1) of the following acts because of his or her perception of another person's gender identity, homelessness, marital status, political ideology, age, or parental status:

1. Causes physical injury to another person; or
2. By threat places another person in reasonable fear of harm to his or her person or property or harm to the person or property of a third person; provided however, that it shall not constitute malicious harassment for a person to speak or act in a critical, insulting, or deprecatory way so long as his or her words or conduct do not constitute a threat of harm to the person or property of another person; or
3. Causes physical damage to or the destruction of the property of another person.

B. "Threat" means to communicate, directly or indirectly, the intent to:

1. Cause bodily injury to another; or
2. Cause damage to the property of another; or
3. Subject another person to physical confinement or restraint.

C. For purposes of this section:

1. "Gender identity" means a person's identity, expression, or physical characteristics, whether or not traditionally associated with one's biological sex or one's sex at birth, including transsexual, transvestite, and transgendered, and including a person's attitudes, preferences, beliefs, and practices pertaining thereto.

2. "Homelessness" means:

(a) lacking a fixed, regular, and adequate nighttime residence; or

(b) having a primary nighttime residence that is:

(i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or

(ii) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

D. Every person who, in the commission of malicious harassment, shall commit any other crime, may be punished therefor as well as for the malicious harassment, and may be prosecuted for each crime separately.

Section X. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 20__, and signed by me in open session in authentication of its passage this ____ day of _____, 20__.

President _____ of the City Council

Approved by me this ____ day of _____, 20__.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 20__.

City Clerk

(Seal)